

NATURAL RESOURCES COMMISSION
Meeting Minutes
January 6, 2016

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, first floor conference room, Concord, MA at 7:00 p.m. on Wednesday, January 6, 2016. The following Commissioners were present: Greg Higgins, Chair, Jeff Adams, Chip Poutasse, Judy Zaunbrecher, and Lynn Huggins (7:02 pm). Delia Kaye, Natural Resources Director, Lori Capone, Assistant Natural Resources Director, and Natural Resources Administrative Assistant Kathy Richardson were also present.

Chair Higgins opened the meeting at 7:00 p.m. in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Concord Wetlands Bylaw.

Damonmill Square Properties, 9 Pond Lane, DEP File #137-1307	7:00 pm
Symes Development, 140 Commerford Road, DEP File #137-1269	7:00 pm
McGillin, 68 and 18 Cambridge Turnpike, DEP File #137-1330	7:00 pm
KW Concord LLC, 740 Elm Street, DEP File #137-1321	7:00 pm
Walden Crossing, LLC, 33 Walden Street, DEP #137-1329	7:02 pm
Dick Robinson and Elisa Adams, 143 Elsinore Street, RDA #15-16	7:10 pm

CONTINUANCES

Notice of Intent Application for Damonmill Square Properties, LLC, 9 Pond Lane, DEP #137-1307

Chair Higgins reopened the hearing for approval to repair and maintain an existing dam, stabilize the embankment, repair a section of wall, remove trees, and close the headrace and tailrace, a portion of which work is within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Assabet River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to January 20, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Frank McGillin, 68 and 18 Cambridge Turnpike, DEP #137-1330

Chair Higgins reopened the hearing for approval to demolish the existing shed and construct a detached garage within the 100-foot Buffer Zone to Bordering Vegetated Wetland and the 200-foot Riverfront Area to Mill Brook.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to January 20, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Symes Development, 140 Commerford Road, DEP #137-1269

Chair Higgins reopened the hearing for approval to demolish the existing dwelling, associated septic and gravel driveway at 140 Commerford Road and construct a 22-unit Planned Residential Development. Work within jurisdictional areas includes constructing a portion of the driveway with stormwater controls and grading; site preparation within four lots and common land; and partial construction of four dwellings within the Riverfront Area of Baptist

Brook, Certified Vernal Pool Habitat, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to January 20, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for KW Concord LLC, 740 Elm Street, DEP #137-1321

Chair Higgins reopened the hearing for approval to construct a restaurant building, hotel addition, and retaining wall, with associated parking, walkways, and drainage, a portion of which work is within the 200-foot Riverfront Area to the Assabet River, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to April 20, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Walden Crossing, LLC, 33 Walden Street, DEP #137-1329

Chair Higgins reopened the hearing for approval to reconstruct an existing retaining wall, install a stormwater treatment unit, and remove and repave portions of an existing parking lot and sidewalk, a portion of which work is within Bank, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Mill Brook, and the 100-foot Buffer Zone to Bank.

List of plans and documents discussed at this hearing:

- Wetlands Permitting Plan, prepared by Stamski and McNary, Inc., revised December 31, 2015.

William Hall, of Stamski and McNary, Inc., attended tonight's meeting.

Mr. Hall presented the revised plan that now includes a detail for a 1:1 riprap slope. Mr. Hall met with a structural engineer who determined that the riprap slope was appropriate to temporarily stabilize the site in the event of wall failure. In addition, Note #4 on the plan has been revised to reference the use of the riprap slope.

After discussion regarding restrictions on plowing and storage of snow, the Commissioners agreed that Special Condition #26 be amended to include the words "in perpetuity". Additionally, Special Condition #38 was amended to include "and the stormwater treatment unit".

There were no comments from the public.

Commissioner Adams moved to close the hearing and issue an Order of Conditions with findings A, B, and C, Standard Conditions 1-19, and Special Conditions 20-52 as amended, Commissioner Poutasse seconded. All so voted.

NEW APPLICATIONS

Request for Determination of Applicability for Dick Robinson and Elisa Adams, 143 Elsinore Street, RDA #15-16

Chair Higgins opened the hearing for approval to excavate ground under an existing porch and pour concrete to extend a basement under an existing porch, a portion of

which work is within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands associated with Swamp Brook.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability

Owners Dick Robinson and Elisa Adams were in attendance.

Mr. Robinson gave a brief description of his proposal to excavate under a three-season porch and pour a concrete slab to extend the basement. When asked, Mr. Robinson indicated there was no change to the footprint or landscaping around the house. The land slopes down so they will be digging down about 3 feet with an exposed foundation wall of about 5 feet above the ground.

There were no comments from the public.

Commissioner Adams moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; and, 2) After the project has been completed, the Applicant shall submit a letter to the NRC stating that all work has been conducted in accordance with all conditions of this Determination of Applicability. Any changes from the RDA shall be described. Commissioner Zaunbrecher seconded. All so voted.

EXTENSION REQUESTS

MBTA Bridge over Main Street, DEP #137-985

Mike Turgeon, of Jacobs Engineering, attended tonight's meeting

Mr. Turgeon requested an extension of one year. He said most of the work is complete with the exception of some punch-list items including one small slope that needs to be stabilized and they need to finish restoration on Main Street along the sidewalk. He also mentioned the on-going monitoring of invasive species and plantings that extend beyond the one year. Director Kaye stated that if any replanting is required it would have to be done before a Certificate of Compliance can be issued and that another extension could be requested if necessary.

There were no comments from the public.

Commissioner Zaunbrecher moved to issue an Extension to the Order of Conditions for one year. Commissioner Poutasse seconded. All so voted.

Normandy Concord Acquisitions, LLC, 300 - 330 Baker Avenue, DEP #137-625

Robert Weidknecht, of Beals and Thomas, Inc., attended tonight's meeting

Mr. Weidknecht said most recent work is now associated with the Extended Stay Hotel and parking lot expansion. The wetlands system that was constructed when the Harvard Vanguard building was built has since been extended as well as the parking area. There is some stockpiling currently being removed and the rest of the work should be completed this spring

but may require additional time in case there is a need for a later growing season to stabilize things further. He is requesting that the extension be granted until October 15, 2016.

There were no comments from the public.

Commissioner Poutasse moved to issue an Extension to the Order of Conditions to October 15, 2016. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

Director's Report

- Director Kaye reported that two farmland parcels are out for bid.
 - McGrath land is 7.5 acres parcel, nearly 5 acres of it is being rebid for agricultural production. Four interested parties attended the site inspection.
 - Rogers Land on Harrington Avenue with a little less than 2 acres will be put into agricultural production for the first time since the Town acquired the land in 2011. Three interested parties attended the site inspection.

The request for proposals were issued just before Christmas with site inspections held yesterday. Bids are due on January 21st. DNR staff will evaluate proposals and provide recommendations to the Commission at the February 2, 2016 meeting for a vote to make a recommendation to the Town Manager.

Commissioner Huggins asked what criteria would be used to evaluate the proposals. Director Kaye stated that the break down consists of the following:

- Demonstrated qualifications, experience, and ability to carry out proposed use plan (40%)
- Farming for food crops or livestock production (10%)
- Local sale of produce (10%)
- Least potential detrimental impact of proposed use on the neighborhood (10%)
- Farming an adjacent or nearby parcel (10%)
- Concord residency (10%)
- Farming less than 20 acres of land in 2015 (10%).

Chair Higgins asked about a well for the Rogers Land. Director Kaye said she met with a well driller to explore shallow well and bedrock well feasibility and cost. She thought that a bedrock well is a better long term solution in terms of sustainability, but more expensive, and that tying in Marshall Farms would make sense to justify the cost. She received a quote for approximately \$5,000 for a shallow well and about \$14,000 for a deep well. The consensus of the Commission was in favor of installing a bedrock well.

Commissioner Zaunbrecher asked if the well would be far enough away from the Starmet site to not be impacted by contamination and referred to new Food Safety regulations concerning water use on commercial farms. Director Kaye stated that it was but the potential contamination of the Assabet River was another reason why a bedrock well would be beneficial.

Director Kaye mentioned looking into installing one at the McGrath land because the farmland totals about 40 acres. The farmers would be responsible for paying the electric bill, servicing the pump, and for water use.

Administrative Approvals

- **Redmond, 43 Off Harrington Avenue: Tree Removal**
Assistant Director Capone said the prospective buyer for Chris Alderman's house would like to remove a large maple that is 178 feet and across the street from Kennedy's Pond. He is leaving the root system, but wants to take the tree out because it's causing mold on the roof and causing too much shading. Approval was granted.
- **Daniel, 359 Old Bedford Road: Swing Set**
Director Kaye said the homeowner wants to put in a small play structure in the 50 foot No Build Zone. No footings are proposed and it will be on existing lawn. Approval was granted.

In future, the resident would like to put up a 4-foot fence at the edge of his lawn within wetlands to make it more secure for his children. The Commission requested an RDA for the fence and agreed that removal of the existing fence closer to the pond would be an improvement..

Approve Meeting Minutes

- Commissioner Adams moved to approve the December 2, 2015 NRC meeting minutes, as amended. Commissioner Poutasse seconded. All so voted.
- Commissioner Adams moved to approve the December 16, 2015 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. All so voted. Commissioner Huggins abstained.
- Commissioner Huggins moved to approve the October 7, 2015 Executive Session meeting minutes. Commissioner Zaunbrecher seconded. All so voted. Commissioner Adams abstained.

Commissioner Adams moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. This meeting adjourned at 8:04 p.m.

Respectfully submitted,

Kathy Richardson
Administrative Assistant